

## EPA REGION 3 ENVIRO-BYTES

Issues & Events in EPA's Mid-Atlantic Region

May 11, 2001

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### FOURTEEN SENTENCED FOR MAIL FRAUD ON UST TESTING

On May 1 and 2, a federal district judge sentenced 14 people who had all previously pled guilty to one felony count each of conspiracy to commit mail fraud. The charges in the case stemmed from fraudulent underground storage tank testing businesses owned and operated by Kevin Moriarity and Gary Ebel. Moriarity and Ebel operated American Scientific Technology and American Southern Technology in Little Rock, AK, and American Underground Storage Tank Testing in Austin, TX. All three companies tested underground storage tanks for leaks. The owners and their employees conducted tests without the proper training, did not use the proper protocols and falsified testing results. Ebel and Moriarity were each sentenced to 33 months prison and three years probation. The other employees were sentenced to varying sentences.

### WVA COMPANY PLEADS GUILTY TO DISCHARGE OF LEAD TO KANAWHA RIVER

L.A. Samms Contracting, Inc. has pled guilty in federal district court to one count of negligent discharge without a permit. In early 1997, the company contracted with the U.S. Army Corps of Engineers to strip and re-paint three roller gates for the Robert C. Byrd Locks and Dam project on the Kanawha River near Black Betsy, Putnam County, WVA. The company failed to properly contain spent sand-blasting agent mixed with paint chips which was generated during the stripping operation, and as a result this lead-containing mixture was discharged to the Kanawha River. Lead is a toxic pollutant under the Clean Water Act. The company will be sentenced at a later date to be set by the court.

### OZONE SMOG SEASON STARTED MAY 1

Last week's warm temperatures brought with it the start of the ozone smog season. Code Orange (unhealthy for sensitive groups) ozone forecasts were already issued last week throughout the mid-Atlantic region. In a timely report released by the American Lung Association, State of the Air 2001, 62 cities and counties in the mid-Atlantic region exceeded the 8-hr ozone standard for ozone smog pollution. Events and activities are planned throughout the month of May to publicize the ozone forecasts and Ozone Action Day alerts. The national newspaper USA Today once again this year will publish the daily ozone smog forecasts for 36 major cities. The Weather Channel has also committed to carry the daily forecasts both during live broadcasts and on its website.

## SPECIAL EARTH DAY NEWSPAPER INSERT ON LAND USE

On Earth Day, Sunday, April 22 the Baltimore Sun featured a special insert entitled, Picture Maryland: Where do we GROW from here? A Citizen's Guide to Shaping the Future of Maryland. This 32-page booklet discusses the pressures on Maryland from new land use developments. It then presents strategies that state and local governments are using on how and where to grow smarter. EPA, NOAA and Maryland also plan to use the insert for future outreach and educational activities.

## WIND FARM TO LOCATE AT BROWNFIELDS SITE

Virginia Governor, Jim Gilmore, announced that proVENTO International will locate its U.S. headquarters in the Cape Charles Sustainable Technology Park, a brownfields redevelopment site in Northampton County. proVENTO, based in Koblenz, Germany, will invest \$7.5 million in a U.S. headquarters plus six 1.3 megawatt wind towers. The project which will create 25 new jobs in Cape Charles is the first wind farm in Virginia. Located in the Sustainable Technology Park, it is intended to be a wind energy showcase, and the company wants it to be an introduction to the U.S. for modern wind technology. "The six wind towers that proVENTO will place on Virginia's Eastern Shore will create enough energy to supply more than 3000 homes" said Governor Gilmore. The EPA Brownfields Program has been working with the Northampton County community since 1995 when they were first awarded their Brownfields Site Assessment Demonstration Pilot. Since then, \$500,000 has been awarded to the county to help identify and assess potential brownfields sites throughout the County. In October of 2000, Northampton was further designated as a National Brownfields Showcase Community, entitling them to an additional \$200,000 in brownfields funding.

## SAMPLING SCHEDULED TO BEGIN AT SPRING VALLEY, DC SITE

On May 1 the Army held a public meeting to update community members on the establishment of a Restoration Advisory Board and status of the soil sampling plan for arsenic and other chemical warfare contaminants of concern. Community interest remains high with approximately 150 community members in attendance. The Army has agreed to allow RAB members to review the proposed sampling plan within the next two weeks. The revised schedule is to begin sampling in the central testing area (300 residences) the end of May, and complete that portion of the sampling in August. The complete sampling program (1,200 residences) is scheduled to be completed in January 2002. The next public meeting is scheduled for June 19.

## LEAD DISCLOSURE VIOLATORS IN CHARLESTON ASKED TO STEP FORWARD

On April 25, EPA's Office of Enforcement & Compliance Assurance launched the Lead Audit Initiative for the Lead Disclosure Rule in the ten EPA Regions. Under the Lead Disclosure Rule, wherever housing built before 1978 is offered for sale or lease, landlords, sellers and agents must provide information on lead-based paint to purchasers and tenants, such as a pamphlet on lead hazards and any housing inspection reports regarding lead. The initiative involves one selected target city in each Region. Charleston, WVA in Region 3. Large property management firms and property owners in the selected cities will be notified by letter about the initiative and given an opportunity to review their operations for any Lead Disclosure Rule violations in their lease and sale transactions for pre-1978 residential rental properties. If the potential violator self discloses violations, the potential penalty can be substantially reduced or mitigated to zero.

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